

# TJAGSA Practice Notes

Faculty, The Judge Advocate General's School

## Consumer Law Notes

### Federal Trade Commission's Helpline and Consumer Sentinel Database

The Federal Trade Commission (FTC) recently opened a toll-free consumer helpline at 1-877-FTC-HELP (1-877-382-4357). Federal Trade Commission counselors are available, 0900 to 2000 hours (Eastern Standard Time) to take consumer complaints and to answer consumer questions. The complaint information is added to the Consumer Sentinel database.<sup>1</sup> The military legal community needs to encourage its clients to use the helpline, while military attorneys must make use of Consumer Sentinel to help enforce consumer protection laws and regulations. Soldiers are often the prime targets of unscrupulous merchants that do not comply with the consumer protection laws. Judge advocate legal assistance practitioners should add the FTC's helpline information to their installation's "Preventive Law Program," which will benefit the military community as a whole.

Legal offices that are members of the FTC's Consumer Sentinel database system receive additional benefits. In addition to accessing and adding to the national consumer complaint database, legal offices that are members of the Consumer Sentinel database also receive "Consumer Sentinel Updates" and the FTC's *FraudBusters*<sup>2</sup> newsletter. These FTC resources are invaluable resources for consumer law and protection information. Major Jones.

### Think Barracks Theft – Federal Trade Commission Help for the Victim

In October, Congress passed the Identity Theft and Assumption Deterrence Act of 1998.<sup>3</sup> This amendment of 18 U.S.C. § 1028, makes it easier to prosecute a soldier who steals and uses another soldier's identification cards, credit or debit cards, or electronic or telecommunications identification information.<sup>4</sup> In a recent *FraudBusters* article, the FTC opined that the Act potentially encompasses a broad range of conduct—from unauthorized use of another's credit cards to "cloning" of cellular telephones.<sup>5</sup>

While the criminal provisions of the Act are useful to military and civilian prosecutors, the Act's provisions regarding the role of the FTC are of the greatest benefit to the military legal assistance community, its clients, and victims of such thefts or crimes. For example, in April 1999, the FTC issued "Identity Crisis . . . What to Do If Your Identity is Stolen." This FTC publication provides an overview of what to do to aid victims of identity theft—the unauthorized use of a person's checks, credit cards, debit cards, or telephone calling card. Additionally, the FTC has a web site at <<http://www.consumer.gov/idtheft>>, which contains various identity theft related materials, including information on preventing and recovering from identity theft, applicable federal credit laws, and an online complaint form.<sup>6</sup> Major Jones.

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1. The Consumer Sentinel is a consumer protection sharing project run by the Federal Trade Commission. Army attorneys can gain access by filing an application through their Staff Judge Advocate for approval by the Chief, Legal Assistance Policy Division, Office of The Judge Advocate General. See Information Paper, Legal Assistance Policy Division, subject: Participation in the Federal Trade Commission's Consumer Sentinel (15 Mar. 1999). Contact the Legal Assistance Policy Division for a copy of the information paper or for an application.

2. *FraudBusters* is the newsletter of Consumer Sentinel, a partnership of the FTC and the National Association of Attorney Generals. *FraudBusters* is published quarterly for Consumer Sentinel members.

3. Beth Grossman & Steven Futrowsky, *Law Enforcers Take on Identity Theft*, 4 FRAUDBUSTERS, Summer 1999, at 1, 7, 11.

4. 18 U.S.C. § 1028 was amended to make it a criminal offense for anyone who: "knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of federal law, or that constitutes a felony under applicable state or local law." 18 U.S.C.A. § 1028(a)(7) (West 1999).

5. Grossman & Futrowsky, *supra* note 3, at 7.

6. *Id.* at 11. For more information about the FTC's Identity Theft Program, contact Ms. Beth Grossman of the FTC at [bgrossman@ftc.gov](mailto:bgrossman@ftc.gov) or (202) 326-3019.